IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO :10492 of 2005

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Dated:24th October 2005.

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Between:

N.Bharathi Devi

..... PETITIONER

AND

The Secretary, Railway Board and others

.....RESPONDENTS

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THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO.10492 OF 2005

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

Aggrieved by an order in O.A.No.1445 of 2003 dated 20th January 2005, on the file of the Central Administrative Tribunal, Hyderabad, the unsuccessful applicant therein preferred the present writ petition with the prayer as follows:

> " For the reasons mentioned in the accompanying affidavit the petitioner therefore prays that this Hon'ble Court may be pleased to issue appropriate writ, order or direction particularly in the nature of Certiorari in declaring the judgment dt.20.01.05 in OA 1445/03 on the file of the Hon'ble Central Administrative Tribunal, Hyderabad as illegal, void and quash the same and consequently direct the respondents to direct the respondents herein to consider the petitioner for compassionate appointment consequent on her father's death on 3.10.66 while in service till the date by declaring the same as arbitrary, illegal and violative of Article 14, 16 and 21 of the Constitution and consequently direct the respondents to appoint her in any suitable group C or D post consistent with the academic qualifications of the applicant which are quite sufficient for appointment for any post in the respondents establishment, as admissible according to rules in the interest of justice."

Briefly, the facts of the case are that the petitioner's father was an employee of the Indian Railways, who died in harness some time in the year 1966. The petitioner, it appears, was a minor at the time of the death of her father. Subsequently, in the year 1998, she approached the Central Administrative Tribunal in O.A.No.772 of 1998 seeking a direction to the respondents to provide an appointment to her under compassionate grounds. The said application was dismissed. Not satisfied with the said order, the applicant continued her representations to the respondents seeking a compassionate appointment. Complaining that there was no response on such representations, she once again approached the Central Administrative Tribunal in O.A.No.401 of 1999, seeking various reliefs including a direction to the respondents to provide an appointment under compassionate grounds. The Tribunal declined to grant any relief in the said O.A., however, made an observation (in our view, which was not really called for) that; "**the applicant may take recourse to approach the Railway Board, if she is so advised**." The petitioner continued her endeavor for some time complaining that the respondents are not taking any decision on her representations, once again, approached the Central Administrative Tribunal in the present O.A., which was dismissed, holding as follows:

> " 6. Be that as it may, I find from the counter reply that the applicant is 38 years old and got married. Therefore, she cannot be treated as a member of the family of the deceased employee. The Hon'ble Supreme Court, on several occasions, said that compassionate appointment cannot be prayed for and granted at any point of time. I find that this Tribunal has already said that this case is a belated one in OA No772/98 as the application was filed long after a

lapse of 30 years and has categorically denied for grant of any relief at this belated stage.

7. In view of the facts and circumstances and in view of the fact that the applicant is no more a member of the family of the deceased employee, I do not find any substance in the OA. The OA is, therefore, devoid of merits and is dismissed accordingly."

This decision of the Tribunal is in total conformity with the principle laid down by the Supreme Court in **UMESH KUMAR NAGPAL v. STATE OF HARYANA AND OTHERS.**

We do not see any error of jurisdiction or illegality in the impugned order. On the other hand, we are of the opinion that the whole procedure adapted by the petitioner is sheer abuse of the process of Court. When her first application in O.A.No.772 of 1998 stood dismissed, that it was a belated application, the approach the petitioner to the Administrative Tribunal by successive applications is nothing but, abuse of the process of law. In the normal course, such an abuse should have been vested by appropriate legal consequences, but having regard to the fact that the petitioner is a woman and obviously, inappropriately advised, we do not propose to say anything further.

We do not see any merit in the writ petition and the same is accordingly, dismissed at the stage of admission.

J.Chelameswar, J

Ramesh Ranganathan, J

24th October 2005

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